

**FILED**

## UNITED STATES COURT OF APPEALS

NOV 17 2009

## FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

In re: DANNY ATTERBURY.

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No. 09-72885

DANNY ATTERBURY,

D.C. No. 3:07-cv-06256-MHP  
Northern District of California,  
San Francisco

Petitioner,

ORDER

v.

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF  
CALIFORNIA,

Respondent,

ED FOULK; et al.,

Real Parties in Interest.

Before: WARDLAW, FISHER and BERZON, Circuit Judges.

Petitioner has not demonstrated that this case warrants the intervention of this court by means of the extraordinary remedy of mandamus. *See Bauman v. United States Dist. Court*, 557 F.2d 650 (9th Cir. 1977). Accordingly, the petition is denied.

The motion to proceed in forma pauperis is denied as moot.

AT/MOATT

No motions for reconsideration, rehearing, clarification, or any other submissions shall be filed or entertained in this closed docket.